GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA

UNSTARRED QUESTION NO:3799
ANSWERED ON:30.04.2007
NOTIFICATION REGARDING ENVIRONMENT TRIBUNAL
Adhalrao Patil Shri Shivaji;Adsul Shri Anandrao Vithoba

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Government is yet to notify the tribunal without which the National Environment Tribunal Act, 1955 remains non-functional;

(b) if so, the reasons for not notifying the said Tribunal so far; and

(c) the steps taken/proposed to be taken by the Government to notify the Tribunal set up under the National Environment Tribunal Act, 1995?

Answer

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA)

(a) to (c) The Law Commission of India in its 186th Report has inter-alia recommended setting up of separate Environmental Courts in each State (or for group of States). The Commission has also recommended repeal of the National Environment Tribunal (NET) Act, 1995 and the National Environment Appellate Authority (NEAA) Act, 1997, and transfer of provisions regarding functions and powers of the Tribunal and Appellate Authority contained in those Acts in the proposed enactment for establishment of the Environment Courts.

In view of the said Report, the Ministry of Environment & Forests has, in principle, decided to propose enactment of legislation for setting up a National Environment Tribunal and Regional Environment Tribunals. The mandate of the Tribunals under the proposed legislation will not be limited to the provisions of NET Act, 1995 to provide for strict liability for damages arising out of any accident while handling any hazardous substance but will provide for adjudication in all civil cases where a substantial question of environment protection including enforcement of any legal rights relating to environment is involved.